

**GIBSON DUNN**

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May 7, 2025

VIA ECF

The Honorable Jesse M. Furman  
United States District Court Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *FTC v. PepsiCo, Inc.*, No. 1:25-cv-664-JMF

Dear Judge Furman:

We represent Defendant PepsiCo, Inc. (“Pepsi”) in the above-referenced action brought by Plaintiff the Federal Trade Commission (“FTC”) with regard to an unopposed request for extension to answer or move to dismiss the Complaint. The FTC filed its Complaint in this matter on January 23, 2025,<sup>1</sup> and Pepsi waived service on January 24, 2025. The Court previously granted the Parties’ jointly-filed request for an extension of the deadline for Pepsi to respond to the Complaint, extending Pepsi’s current deadline to answer or move to dismiss to May 23, 2025.

On behalf of Pepsi, we write to respectfully request a 14-day extension of that deadline. The Parties remain in ongoing discussions regarding topics potentially impacting this case, including potential redactions to the Complaint. This short extension should provide the Parties the time necessary to complete those discussions and hopefully avoid further burdening the Court. The FTC does not oppose this request.

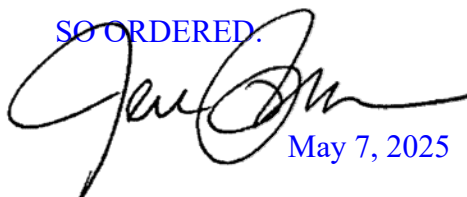
This is the second request by either party for an extension of the deadlines specified above. The initial pretrial conference has been adjourned and no future date has been set at this time.

Application GRANTED. Defendant's deadline to answer or move to dismiss the Complaint -- along with the corresponding opposition and reply deadlines -- is hereby EXTENDED by fourteen days. The Clerk of Court is directed to terminate ECF No. 40.

Sincerely,

/s/ Stephen Weissman  
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SO ORDERED.



May 7, 2025

<sup>1</sup> FTC had previously filed its Complaint in *FTC v. PepsiCo, Inc.*, No. 1:25-mc-33 on January 17, 2025.